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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,074	02/19/2004	Michele C. Clayton	P17730	2852
46915 7590 04/03/2009 KONRAD RAYNES & VICTOR, LLP. ATTN: INT77 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212				
			EXAMINER ZHOU, YONG	
			ART UNIT 2419	PAPER NUMBER
			NOTIFICATION DATE 04/03/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/787,074

Applicant(s)

CLAYTON, MICHELE C.

Examiner

Yong Zhou

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/6/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9, 11-13, 15, 16, 18-24, 26, 27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9, 11-13, 15-16, 18-24, 26-27 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2009 has been entered.

Claim Objections

2. Claims 30-33 are objected to because of the following informalities:

Claims 30-33 recite the limitation "the initiated communication switch the remote device comprises..." It is not clear what part is the subject of the verb "comprises". It is believed that the limitation refers to "the initiated communication **with** the remote device comprises..."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 9, 11-13, 15-16, 18-24, 26-27 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kracht, James E. (US 6,377,987), hereinafter Kracht) in view of Suzuki, Yuichi (US 6,496,484, hereinafter Suzuki).

Regarding claims 1, 4 and 22, Kracht teaches operations of:

generating local topology information including information on local interfaces in a local device and remote interfaces in at least one downstream remote device that connect to the local interfaces identified in the local topology information, wherein the at least one downstream remote device comprises an end device or expander connecting to further end devices or expanders to which the local interfaces connect (Fig. 8, col. 3, lines 52-66, col. 8, lines 10-11, col. 10, lines 29-42, wherein a method for determining a physical topology of a network comprise steps of discovering a plurality of devices that are located in the network based on each address within a set of network addresses and creating and storing information representing the plurality of devices; determining possible neighboring devices for each device in the plurality of devices; processing the configuration information to create information representing neighboring devices and each link between them; and creating and storing information that represents the topology based on the gathered information);

for each connected remote interface, determining a device type of the downstream remote device including the remote interface (col. 5, lines 29-30, col. 7, lines 27-34, col. 8, lines 9-11, wherein the device type is determined); and

for each local interface attached to one remote interface in one of the downstream remote devices whose determined device type is of a specified device

type, initiating communication with the remote interface to access remote topology information from the downstream remote device indicating downstream devices attached directly and indirectly to the remote device, wherein the downstream devices with respect to the remote device comprise an end device or expander connecting to further end devices or expanders to which the remote device connects (Fig. 8, col. 3, lines 52-66, col. 8, line 64 through col. 9, line 7, wherein once the device type is identified, the discovery mechanism sends a request message to the device to gather additional information), and wherein the communication with the remote device to access the remote topology information causes the remote device to update its topology based on information representing the plurality of devices (col. 3, lines 63-67, col. 4, lines 8-9, col. 9, lines 4-7, col. 10, lines 35-39, col. 17, lines 26-27, wherein a request message is sent to the remote device to obtain its configuration information) and to return the remote topology information to the local interface in response to determining that the gathering has completed (col. 4, lines 4-9, col. 10, lines 35-39, col. 13, lines 1-8, wherein the discovery mechanism obtains configuration information reported from the remote device).

However, Kracht does not expressly teach periodically checking whether the remote device gathering of the remote topology information indicating downstream devices attached directly and indirectly to the remote device has completed.

Suzuki teaches periodically checking whether the update completion message is received from each of the other routing nodes (col. 2, lines 59-67, col. 6, lines 5-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Suzuki into the Kracht invention to include periodically checking the completion of the topology update from the downstream devices which would produce predictable results.

Regarding claims 11 and 19, Kracht further teaches a system in communication with at least one remote device, wherein each remote device includes at least one remote interface and remote topology information, comprising:

at least one local interface (Fig. 10, #1020);

circuitry integrated with the motherboard capable of causing operations of method 1 to be performed (computer system, Fig 10, #1000, col. 18, lines 11-13);

Regarding claims 16 and 27, Kracht teaches a system in communication with at least one remote device and one upstream device, wherein each remote device includes at least one remote interface and remote topology information (Fig. 8, col. 15, lines 54-57), comprising:

at least one local interface (Fig. 10, #1020);

circuitry capable of causing the operations to be performed (col. 18, lines 11-13), the operations comprising:

receiving at the remote device a request for the remote topology information from the local device (col. 4, lines 8-9, col. 9, lines 4-7, col. 10, lines 35-39, wherein a request message is sent to the each device of known type to obtain its configuration information);

updating its topology based on information based on the configuration information collected from the plurality of devices in response to the request (col. 3, lines 63-67, col. 4, lines 4-9, col. 9, lines 4-7, col. 10, lines 35-39, col. 17, lines 26-27, wherein a request message is sent to the remote device to obtain its configuration information); and

transmitting the remote topology information to the local device in response to determining that the remote topology information is completed (col. 4, lines 4-9, col. 10, lines 35-39, col. 15, lines 46-52, wherein the discovery mechanism obtains configuration information reported from the remote device). However, Kracht does not expressly teach periodically checking whether the remote topology information is completed including information on downstream devices directly and indirectly connected to the remote device.

Suzuki teaches periodically checking whether the update completion message is received from each of the other routing nodes (col. 2, lines 59-67, col. 6, lines 5-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teachings from Suzuki into the Kracht invention to include periodically checking the completion of the topology update from the downstream devices which would produce predictable results.

Regarding claims 2, 12, 20 and 23, Kracht teaches the limitations of claims 1, 11, 19 and 22, respectively.

Kracht further teaches merging the local topology information with the remote topology information (col. 17, lines 26-27).

Regarding claims 3, 13, 21 and 24, Kracht teaches the limitations of claims 1, 11, 19 and 22, respectively.

Kracht further teaches that the specified device type comprises an expander (hub or switch, col. 8, lines 10-11).

Regarding claims 6, 18 and claims 29, Kracht teaches the limitations of claims 4, 16 and 27, respectively.

Kracht further teaches that the remote topology information is completed in response to completing:

determining the device type of at least one additional device to which the remote device connects (col. 5, lines 29-30);

receiving additional topology information from the at least one additional device to which the remote device connects that is of the specified device type (col. 11, lines 7-10); and

merging the received additional topology information with the remote topology information (col. 17, lines 26-27).

Regarding claims 9, 15 and 26, Kracht teaches the limitations of claims 1, 11 and 22, respectively.

Kracht further teaches that the remote topology information includes an entry for devices to which the remote device including the completed topology information connects directly or indirectly, wherein each entry indicates a first address and first

interface of a first device, a second address and second interface of a second device connected directly to the first device, and a device type of the second device, wherein the remote device including the remote topology information connects directly or indirectly to all first and second devices identified in the remote topology information (Fig. 7, #746, #748, #750).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kracht in view of Suzuki and Robert Elliott (editor) ("Information Technology – Serial Attached SCSI (SAS)", Project T10/1562-D, Revision 5, July 9, 2003), hereinafter Elliott.

Regarding claim 10, Kracht teaches the limitations of claim 1.

Kracht does not specifically teach that the devices comprise SAS devices and wherein the interfaces comprise SAS PHYs, and wherein each device in the topology has a unique SAS address.

Elliott teaches that the devices comprise SAS devices (p10, sec. 3.1.107, 1st line and wherein the interfaces comprise SAS PHYs (p10, sec. 3.1.112, 1st line), and wherein each device in the topology has a unique SAS address (p10, sec. 3.1.106, 1st line).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the device in Kracht with SAS device taught by Elliott to achieve the predictable result of identifying devices in network topology.

Regarding claims 30-33, Kracht teaches the limitations of claims 1, 11, 19 and 22, respectively.

Kracht further teaches that the initiated communication with the remote device comprises only one discovery request to the remote device to cause the remote device to return the remote topology information having all downstream devices directly and indirectly connected to the remote device (col. 3, lines 58-67, col. 4, lines 6-12, wherein one request is sent to each remote device to collect topology information regarding all the neighboring devices for the remote device).

Response to Arguments

6. Applicant's arguments, filed February 6, 2009, have been fully considered but are moot in view of the new ground(s) of rejection.

See more details above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Zhou whose telephone number is 571-270-3451. The examiner can normally be reached on Monday - Friday 8:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. Z./

Examiner, Art Unit 2419

March 27, 2009

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2419